D.B. CIVIL SPECIAL APPEAL (WRIT) NO.116/2006

State of Raj. **Vs**. Bhagwati Lal & Ors.

Date 17.05.2006

PRESENT

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P. VYAS

Mr. L.R. Upadhyay for the appellant.
Mr. Chaitanya Gehlot for the respondents.

———

Having heard learned counsel for the appellant we find that there is no merit in this appeal.

The appellant has challenged the order of the Board of Revenue dated 3.10.2002 passed on a reference made by the Collector for setting aside the judgment and decree of the S.D.O, Rajsamand dated 19.11.1996. The Board of Revenue declined to interfere in the matter by stating that a decree of competent court is sought to be set at naught. By the said decree, the additional land has not been allotted to that decree holder then what he held in his own khatedari. No undue benefit has been conferred on the khatedar. The State Government having not challenged that decree for more than 3 years, the power of making reference has not been exercised in a reasonable manner. The Board of Revenue declined

to interfere in the matter on the ground of undue delay.

The learned Single Judge finding no ground having been made for interference by issuing a writ of certiorari, dismissed the writ petition. We are in agreement with the learned Single Judge.

Accordingly, the appeal fails and is hereby dismissed.

[R.P. VYAS], J. [RAJESH BALIA], J.

babulal/